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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/835,551	04/17/2001	Jun Koyama	12732-026001 6234		
26171	7590 05/27/2003		·		
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR			EXAMINER LEE, WILSON		
			2821		
			DATE MAILED: 05/27/2003	DATE MAILED: 05/27/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(e)	<u> </u>					A A			
## Examiner ## Art Unit ## Wilson Lee ## 2821 ##			Application No		Applicant(s)				
Wilson Lee 2821	Office Action Summary		09/835,551		KOYAMA				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensives of term ray be available under the provisions of 3 CFR 1.186e, in no event, however, may a reply be timely titled at the period for reply appealed above the titles than thirty (50) days, a reply with the addition printing in the period for reply appealed above, the macround tabloty period will apply and will applies 18(9) (ANOTHS from the malling date of this communication. Fallule to reply which mis est or estanded period for reply with by datablety period will apply and will applies 18(9) (ANOTHS from the malling date of this communication to become ABANDOWED (3) 13.5. (3.13). Fallule to reply which mis est or estanded period for reply with by datablety period will apply and will apply 18(9) (ANOTHS from the malling date of this communication to become ABANDOWED (3) 13.5. (3.13). This action is FINAL. 2b This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 c.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) ½8 (s/are pending in the application. 4) Of the above claim(s) ½26 (s/are repetited. 7) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to by the Examiner. 10) The drawing(s) field on is/are: a) accepted or b of the protein provided to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 11) The proposed drawing correction filled on is/are: a) approved by disapproved by the Examiner. 12) The oath or declaration is objected to by the Examiner. 13) Application from the foreign temptrity documents have been received in Application No. 14) Application from the international Bureau (PCT Rule 17.2(a)). *See the attached detailed			Examiner		Art Unit				
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Application/Control Number: 09/835,551

Art Unit: 2821

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-10, drawn to a device with a specific overlapping and sandwich structure, classified in class 257, subclass 128.
- II. Claims 11-26, drawn to a device comprising electronic elements(capacitor, light emitting element), classified in class 257, subclass 163.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because group II (combination) does not require an insulator overlapping, a gate insulating film sandwich, specific aperture ratio or specified percentage of region overlapping. The subcombination has separate utility such as digital camera, printer display, score board display, stadium display, etc.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Application/Control Number: 09/835,551

Art Unit: 2821

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

A shorten statutory period for response to this action is set to expire thirty days from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned.

Remarks

Applicant has amended the claims in the response filed on 3/26/03 in order to overcome the restriction requirement. However, the claim languages have not been changed. Group I still describes a specific structure of the self-luminous device such as overlapping, aperture ratio, sandwich feature, etc. that Group II does not specify in its self-luminous device. And Group II does comprise additional elements in its combination such as semiconductor islands, capacitor element, a light emitting element, current supply line, etc. Applicant is respectfully reminded that the invention is defined by the claim language. Merely modifying the preamble does not affect the scope of the invention.

Art Unit: 2821

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (703) 306-3426. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956. The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

Wilson Lee

Patent Examiner

Ison Xee

Art Unit 2821

WL

5/27/03